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King Edward I's Articles of Inquest on the Jews and Coin-Clipping, 1279*

Abstract

The 'Capitula de tonsura monete' are previously unpublished articles of inquest originally issued in 1279 to special judicial commissions created to combat coin-clipping and related monetary offences by Jews and Christians. The 'Capitula' are shown to shed light on Edward I's motivations and intentions during the coin-clipping campaign of 1278–9. The author attempts to explain why this text was circulated, somewhat paradoxically, after the expulsion of the Jews from England in 1290, and to determine why it was read along with authentic statutes and 'legal apocrypha'. A critical edition is appended, based on a collation of all manuscript copies and versions.

EDWARD I (1272–1307) has been called the 'English Justinian' because of his enduring role as lawmaker during a time of momentous legal change.¹ Yet his legislative achievement can be somewhat difficult to appreciate fully because jurists and historians have traditionally focused on the principal Edwardian statutes, which were created before the term statute had acquired its modern definition as permanent law and legislation solemnly enacted by the king in parliament and proclaimed throughout the realm. As a consequence of the term's original vagueness, statutes considered authentic by this definition were collected and copied non-officially during Edward I's reign in 'statuta Angliae' manuscripts, where they were intermingled with royal ordinances, writs, treatises, and brief but seemingly authoritative statements of the common law that are now viewed in aggregate as 'legal apocrypha' or even 'pseudo-statutes'.² Statuta Angliae were copied by

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¹ P. Vinogradoff, 'Magna Carta, Cl. 39', in *The Collected Papers of Paul Vinogradoff* (2 vols., Oxford, 1928), i. 221; P. Brand, 'Legal change in the later 13th century: statutory and judicial remodelling of the action of Replevin', *American Jour. Legal Hist.*, xxxi (1987), 43.

² T. F. T. Plucknett described 'doubtful and undated statutes' from the reigns of Henry III and Edward I as 'apocrypha between the Ancient Statutes and the New' in his *Statutes and their Interpretation in the First Half of the 14th Century* (Cambridge, 1922), pp. 12, 32–3. See also T. F. T. Plucknett, *Legislation of Edward I* (Oxford, 1949; rev. edn., 1962), pp. 17–19. G. O. Sayles noted that the so-called Statute of Conspirators (1292) was properly included among the 'flotsam and jetsam of legal pronouncements which the editors of the *Statutes of the Realm* consigned to their apocrypha of

professional scribes and stationers, who were chiefly though not exclusively based in London, for a legally literate audience that included lawyers, landowners and church prelates. Such non-official collections were probably used as sources for the 1297 reissue of Magna Carta and in the compilation of the Great Roll of Statutes at the Tower of London in 1299.³

Some of the Edwardian enactments that contemporary legal scribes and readers considered of sufficient interest to be included along with authentic statutes subsequently fell into disuse and were essentially forgotten during the middle ages, never to be published in printed editions of the statutes.⁴ The subject of this article is one such Edwardian enactment, the 'Capitula de tonsura monete', which was originally issued by the king in 1279 to special judicial commissions created to combat coin-clipping and related monetary offences. This text exists in Latin and French versions and is found in at least thirteen manuscripts preserved in London, Cambridge, Dorchester, Manchester and Princeton; eleven of these copies are in *statuta Angliae* and two are in ecclesiastical registers or memoranda books.⁵ The text is somewhat

"Statutes of Uncertain Date" (*Select Cases in the Court of King's Bench*, ed. G. O. Sayles (Selden Soc., lv, lvi, lviii, lxxiv, lxxvi, lxxxii, lxxxviii, 1934-71), iii, p. lix). On earlier English legal apocrypha, see H. G. Richardson and G. O. Sayles, *Law and Legislation from Aethelberht to Magna Carta* (Edinburgh, 1966), pp. 120-31. Dr. Paul Brand recently used the expression 'pseudo-statutory' in referring to the 'Modus levandi fines', which is found among 'Statutes of Uncertain Date' (P. Brand, *The Origins of the English Legal Profession* (Oxford, 1992), p. 94). Most recently, Professor J. H. Baker has used 'apocryphal statuta' in *A Catalogue of English Legal Manuscripts in Cambridge University Library* (Woodbridge, 1996), p. xxiii.

³ S. Reynolds, 'Magna Carta 1297 and the legal uses of literacy', *ante*, lxiii (1989), 233-44; H. G. Richardson and G. O. Sayles, 'The early statutes', *Law Quarterly Rev.*, i (1934), 201-23, 540-71; Plucknett, *Legislation*, pp. 12, 16-17; V. H. Galbraith, 'Statutes of Edward I: Huntington Library MS. H.M. 25782', in *Essays in Medieval History Presented to Bertie Wilkinson*, ed. T. A. Sandquist and M. R. Powicke (Toronto, 1969), pp. 176-87.

⁴ The standard edition of Edwardian statutes is *The Statutes of the Realm* . . . , ed. T. E. Tomlins and others (11 vols., 1810-28), i, which was based on the Great Roll of Statutes, a selection of contemporary manuscripts, and early printed editions. For a study of the early editions from William de Machlinia's in 1484 to statutes at large in later centuries, see K. F. Pantzer, 'Printing the English statutes, 1484-1640: some historical implications', in *Books and Society in History*, ed. K. E. Carpenter (New York, 1983), pp. 69-101.

⁵ Though copied by different scribes, four of the copies are found in *statuta Angliae* similar enough in contents, organization and design to have shared a common exemplar: Princeton University Library, Garrett MS. 146 (fos. 86v-87); Cambridge University Library MS. LL.4.17 [formerly MS. 2197] (fo. 68v) and Trinity College Library, Cambridge, MS. 1192 (fo. 45v); and Lambeth Palace MS. 166 (fo. 50r-v). Two copies are not found in *statuta Angliae*: British Library, Cotton MS. Cleopatra C.VII (fo. 10r-v, renumbered from earlier folio numbers 89, 9, and ccix) includes the cartulary of Merton Priory, Surrey, but also includes copies of the 'Capitula de tonsura monete' and other documents, probably retained for John Peckham, archbishop of Canterbury, as will be discussed later; and *ibid.*, Harley MS. 645 (fo. 225, renumbered from fo. 200) is the Register Kempe, a memoranda book of the Abbey of Bury St. Edmunds, Suffolk. There are other copies of the Capitula in *statuta Angliae* in Harley MSS. 1120 (fo. 85), 1690 (fo. 39, renumbered from fo. 50), and 1807 (fos. 207 and 208v, renumbered from fos. 257 and 258). A copy is found under the rubric 'Statutum de tonsura monete' in the 14th-century *statuta Angliae* of the Bridport Corporation (pp. 110-12), deposited in the Dorset County Record Office, Dorchester, MS. 2644 (B3/G1). The latest extant copy is in a 15th-century 'Statuta vetera et nova' in Manchester, John Rylands University Library, Latin MS. 252 (fos. 131v-132). A text with the rubric 'Capitula de tonsura

uncommon among the more than 400 extant *statuta Angliae* manuscripts,⁶ and not surprisingly it has long been something of a bibliographical enigma.⁷ In this article, the author will (1) examine the 'Capitula de tonsura monete' against the background of Angevin inquest procedures to deal with coin-clipping and the Jews; (2) trace its use during the royal inquests of 1279, which came to play a pivotal role in the chain of events leading almost inexorably, it has generally been argued, from the Statutes of Jewry in 1275 to the mass expulsion of Jews from England in 1290;⁸ (3) attempt to date extant copies of the 'Capitula' and identify their readers in order to explain why it came to be circulated after 1279 and included in post-expulsion compilations of statutes; and (4) present a critical edition of the original Latin version of the text in Appendix I. The 'Capitula' will be shown to be important both as a source of evidence for the coin-clipping campaign of 1278–9 and also as an illustration of what Dr. Paul Brand has argued are changes in the common law during Edward I's reign, beyond those documented in the published statutes and year books.⁹

The 'Capitula de tonsura monete' is the type of document properly rendered in English by the collective term 'articles of inquest'. In the

monete' is listed in the contents (fos. 206–7) of a *statuta Angliae* manuscript of c.1305 offered for sale in 1935 from the collections of Arnold Mettler (St. Gall) and in 1990 by D. Mellor and A. L. Baxter (formerly antiquarian booksellers in London); the current location of this manuscript is unknown. A French translation entitled 'Les chapitres de enquestes fez toundure de mone tuchaunz' is found in a *statuta Angliae* formerly in the collection of Alfred Horwood (Brit. Libr., Additional MS. 32085 (fo. 116r–v, renumbered from fo. 219); *Catalogue of Additions to the Manuscripts in the British Museum in the Years 1882–7* (1889), p. 31).

⁶ On early *statuta Angliae* manuscripts, see Galbraith, pp. 176–87; M. Weinbaum, 'A 14th-century law book of London interest', in *Studies in London History Presented to Philip Edmund Jones*, ed. A. E. J. Hollaender and W. Kellaway (1969), pp. 117–50; A. Bennett, 'Anthony Bec's copy of *Statuta Angliae*', in *England in the 14th Century: Proceedings of the 1985 Harlaxton Symposium*, ed. W. M. Ormrod (Woodbridge, 1986), pp. 1–21; and 3 articles by D. C. Skemer, 'From archives to the book trade: private statute rolls in England, 1285–1307', *Jour. Soc. Archivists*, xvi (1995), 193–206, 'Sir William Breton's Book: production of *Statuta Angliae* in the late 13th century', *English Manuscript Studies 1100–1700*, vi (1997), 24–51, and 'Reading the law: statute books and the private transmission of legal knowledge in late medieval England', in *Learning the Law*, ed. A. Wijffels and J. A. Bush (1999).

⁷ The 3 Harleian copies are indexed as statutes of uncertain date from the reigns of Henry III to Edward III in *A Catalogue of the Harleian Manuscripts in the British Library* (4 vols., 1808–12), i. 557; ii. 174, 245. In the *Catalogue of Manuscripts Preserved in the Library of the University of Cambridge* (5 vols., Cambridge, 1856–67), iv. 71, 73–4, it is noted that the Capitula is among a group of tracts never printed but mostly enumerated by William Dugdale in his *Origines juridicales; or Historical Memorials* (3rd edn., 1680), p. 57. However, the *Capitula de tonsura monete* was not listed by Dugdale. J. H. Baker refers to the MS Ll.4.17 copy of the Capitula as 'a new chapter of inquiry concerning the clipping of money' (*Catalogue of English Legal Manuscripts*, p. 456).

⁸ On the economic reasons for the expulsion, see P. Elman, 'The economic causes of the expulsion of the Jews in 1290', *Econ. Hist. Rev.*, vii (1936–7), 145–54; H. G. Richardson, *The English Jewry under Angevin Kings* (1960), pp. 220–1; and C. Roth, *A History of the Jews in England* (3rd edn., Oxford, 1964), pp. 74–8. Prof. Robert C. Stacey has argued recently that the expulsion was a product of short-term political negotiations in 1290 (see his 'The conversion of Jews to Christianity in 13th-century England', *Speculum*, lxvii (1992), 282).

⁹ Brand, 'Legal change', pp. 43–55.

diplomatics of Angevin inquests and surveys, Crown and civil pleas were to be held in accordance with a series of questions or interrogatories ('capitula') administered by the king's officers on assigned circuits. From the twelfth century, articles of inquest were administered either by the sheriff on his tourn (that is, the semi-annual circuit of the county) or by itinerant justices to the hundredors (locally empanelled juries of twelve sworn and lawful men).¹⁰ Capitula were extracted from the form or mode of inquest ('forma inquisitionis' or 'inquirendi') that provided precise instructions as to the scope and method of the inquiry. The sealed articles of inquest accompanying the judicial commissions often do not survive because they were not enrolled by the Chancery. 'Until the end of Henry III's reign', C. A. F. Meekings observed, 'we depended for lists of the articles mainly on chronicles, cartularies and collections of legal tracts'.¹¹ Capitula also survive as a result of having been transcribed in or attached to the written returns recorded by the king's clerks from the oral 'veredicta' of local juries.¹² Each article of the capitula was truncated to begin with the preposition 'de', omitting the full formulaic opening (for example, 'Item justiciarii itinerantes inquirent de' or 'Inquiratur de') with which each article was begun in the *modus inquisitionis*. In so doing, the articles of inquest assumed an abridged appearance, though not as terse as the lists of chapter titles (capitula) for Magna Carta and the other multipartite statutes generally grouped at the beginning of the early statuta Angliae.

In form and function, the 'Capitula de tonsura monete' is most closely related to two other sets of interrogatories also found in early statuta Angliae manuscripts: the 'Capitula itineris' and 'Capitula nova'.¹³ In one or more meeting-places visited in each shire, juries were assembled from the hundreds, wapentakes, liberties, townships, boroughs and other local jurisdictions; in those places itinerant justices vested with wide powers were to hear Crown pleas resulting from presentments made in response to a specific series of

¹⁰ Of fundamental importance is the work of Helen M. Cam. See especially her *Studies in the Hundred Rolls: Some Aspects of 13th-Century Administration* (Oxford, 1921), pp. 9–56; and *The Hundred and the Hundred Rolls: an Outline of Local Government in Medieval England* (1930), pp. 27–49. Also useful are *An Account of the Most Important Public Records of Great Britain and the Publications of the Record Commissioners*, comp. C. P. Cooper (2 vols., 1832), i. 244–5, 268–9, 276; F. Pollock and F. W. Maitland, *The History of English Law*, ed. S. F. C. Milsom (2nd edn., 2 vols., Cambridge, 1968), ii. 521; D. W. Sutherland, *Quo Warranto Proceedings in the Reign of Edward I, 1278–94* (Oxford, 1963), pp. 48–50. For examples of writs, articles and modes of inquest for English statutory and judicial inquisitions from 1170 to 1279, see *A Formula Book of English Official Historical Documents*, ed. H. Hall (2 vols., Cambridge, 1908–9), ii. 126–212.

¹¹ *Crown Pleas of the Wiltshire Eyre, 1249*, ed. C. A. F. Meekings (Wilts. Archaeol. and Nat. Hist. Soc. Records Branch, xvi, 1961), p. 27; *The 1235 Surrey Eyre*, ed. C. A. F. Meekings and D. Crook (Surrey Record Soc., xxxi–xxxii, 1979–83), i. 90.

¹² Similarly, it was noted in connection with the hundred rolls, 'The form of the Articles is not on the Patent Roll, but it is to be collected from the various Returns under the Commission; many of them vary from the "Nova Capitula", Anno 3 Edw. 1. The Title of the returns or Inquisitions pursues the very Words of the Commission, and the Commissioners are therein denominated Inquisitors' (*Rotuli Hundredorum* . . . (2 vols., 1812–18), ii. 8).

¹³ *Statutes of the Realm*, i. 233–8.

interrogatories. The articles of inquest were arranged in four broad groups of questions concerning felonies, the king's proprietary rights, assumption and abuse of franchises, and malfeasance by sheriffs and other public officials. Based on two centuries of inquests under the Norman and Angevin kings, the articles grew in number by the year 1276 to include as many as 143 old and new capitula, while their order and number increasingly became fixed.¹⁴

For almost a century, coin-clipping and other monetary offences had been included in the articles of the eyre. As early as 1194, Richard I had issued 'Capitula de Judeis', in reality article twenty-four of the 'Capitula placitorum coronae Regis', to mandate the registration of Jewish property and documentation of moneylending activities; these capitula required Jews to inform the king's itinerant justices about such offences as concealed property, forgery of charters and coin-clipping.¹⁵ During the thirteenth century, both Jews and Christians were routinely prosecuted for such offences. Bracton's *De legibus et consuetudinibus Angliae* followed Glanville in listing among the articles of the eyre questions relating to the clipping and forgery of money as well as to unauthorized minting and exchange.¹⁶ Interrogatories and returns for monetary offences are not uncommon in extant thirteenth-century assize and eyre rolls such as those of Lincoln and Northampton (1202-3), Surrey (1235), London (1244), Berkshire (1248) and Wiltshire (1249).¹⁷ At the same

¹⁴ W. C. Bolland, *The General Eyre* (Cambridge, 1922); A. Harding, *The Law Courts of Medieval England* (1973), pp. 63-6. The most comprehensive study of the development of the articles of the eyre is H. M. Cam's *Studies in the Hundred Rolls*.

¹⁵ *Starrs and Jewish Charters Preserved in the British Museum*, ed. I. Abrahams, H. P. Stokes and H. Loewe (3 vols., Cambridge, 1930-2), i, p. xiv. For a version of the text, see *Memoriale fratris Walteri de Coventria*, ed. W. Stubbs (2 vols., Rolls Ser., 1872-3), ii, 73. 'Item quilibet Judaeus jurabit super rotulum suum, quod omnia debita sua, et vadia, et redditus, et omnes res, et possessiones suas inbreviari faciet, et quod nihil celabit, ut praedictum est; et si scire poterit quod aliquis aliquid celaverit, illius iustitiis ad eos missis secreto relabit, et quod falsionarios cartarum, et retonsores denariorum, ubi eos scient, detegent et monstrabunt, et de falsis cartis similiter'. Walter of Coventry's source was the chronicle of Roger de Hoveden (*Chronica magistri Rogeri de Houedene*, ed. W. Stubbs (4 vols., Rolls Ser., 1868-71), iii, 262-7). This text is also edited with an introductory note in *Select Charters*, ed. W. Stubbs (9th edn., Oxford, 1913), pp. 251-7, and discussed in C. Gross, 'Exchequer of the Jews of England', *Papers read at the Anglo-Jewish Historical Exhibition, 1887* (1888), pp. 182-6 and in Richardson and Sayles, *Law and Legislation*, p. 133.

¹⁶ *Bracton de legibus et consuetudinibus Angliae*, ed. G. E. Woodbine (4 vols., New Haven, Conn., 1915-42), ii, 331 [fo. 117]; *De legibus et consuetudinibus Angliae*, ed. and trans. S. E. Thorne (Cambridge, 1977): 'De falsionariis et retonsoribus denariorum. De moneta et cambio domini regis, scilicet quis fecit monetam et cambium sine domino rege vel iustitiariis suis'. These articles followed one about the property of and debts owed to Jews. See also Cam, *Studies in the Hundred Rolls*, pp. 68-9, 89; Z. E. Rokeah, 'Money and the hangman in late 13th-century England: Jews, Christians and coinage offences alleged and real', *Trans. Jewish Hist. Soc. England*, xxxi (1988-90), 89-109, at p. 95, xxxii (1990-2), 159-218.

¹⁷ *The Earliest Lincolnshire Assize Rolls, A.D. 1202-9*, ed. D. M. Stenton (Lincoln Record Soc., xxii, 1926), pp. 140-1, no. 831; 162, no. 980; *The Earliest Northamptonshire Assize Rolls, A.D. 1202 and 1203*, ed. *eadem* (Northants. Record Soc., v, 1930), p. 135, no. 797; *The 1235 Surrey Eyre*, ii, 439, no. 587; *The London Eyre of 1244*, ed. H. M. Chew and M. Weinbaum (London Record Soc., vi, 1970), pp. 8, no. 24; 85, no. 206; 131, no. 330; *The Roll and Writ File of the Berkshire Eyre of 1248*, ed. M. T. Clanchy (Selden Soc., xc, 1973), pp. 312, 313, 314, 320, 389, 394; *Wiltshire Eyre*, pp. 159, no. 43; 179, no. 139; 187, no. 177.

time, the exchequer of the Jews also exercised jurisdiction over Jews accused of monetary offences. In 1238, for example, Sir William le Breton (fl. 1226–61) and two other justices of the Jews were assigned to investigate and try cases of coin-clipping, with the assistance of eight Jews from London and York who served as assessors.¹⁸

The 'short cross' on the reverse of the English penny had been extended to the coin's edge by Henry III in 1247 to make coin-clipping easier to detect. Yet by the beginning of Edward I's reign, 'long cross' pennies in circulation were sufficiently worn both by protracted use and wilful mutilation that coin-clipping seemed to be rising sharply.¹⁹ Perhaps for this reason, monetary offences were included in the articles of the Hundred Rolls inquiry administered during the Gloucestershire visitation of 1274–5,²⁰ where rumours abounded of coin-clipping, counterfeiting and commerce in clipped and counterfeit coins by the Jews of Bristol. Five juries brought vague charges of coin-clipping by Jews but failed to identify any suspects by name. However, there were presentments by name for three Christians in Bristol (Roger Hellecok, Richard Vallet and William Giffard); a Jewish woman named Bekota in Deerhurst; and several Jews in Worcester.²¹ In the plea rolls of the exchequer of the Jews, Crown cases for coin-clipping and related offences became numerous in the years 1276–8, following the prohibition of usury by the Statutes of Jewry.²²

¹⁸ *Introduction to the Curia Regis Rolls, 1199–1230 A.D.*, ed. C. T. Flower (Selden Soc., lxii, 1944), pp. 57–60; *Select Pleas, Staris and Other Records from the Rolls of the Exchequer of the Jews, A.D. 1220–1284*, ed. J. M. Rigg (Selden Soc., xv, 1902), pp. xxvi–xxvii; *Staris and Jewish Charters*, ii, 36, 41, 64, 73, 93, 234; *Wiltshire Eyre*, pp. 129–30.

¹⁹ Though the events of 1278–9 are most commonly recounted in connection with the fate of English Jewry, coin debasement was an irresistible temptation to everyone who handled money, from princes to merchants, and contributed to recurrent cycles of monetary debasement and reform (see C. Oman, *The Coinage of England* (Oxford, 1931), pp. 158–62; J. Craig, *The Mint: a History of the London Mint from A.D. 287 to 1948* (Cambridge 1953), pp. 38–9; R. H. Dolley, 'Coinage', in *Medieval England*, ed. A. L. Poole (2 vols., new edn., Oxford, 1958), i, 283; M. Prestwich, 'Edward I's monetary policies and their consequences', *Econ. Hist. Rev.*, 2nd ser., xxii (1969), 406–16; M. Mate, 'Monetary policies in England, 1272–1307', *British Numismatics Jour.*, xli (1972), 34–79).

²⁰ Relevant articles are no. 51, 'De falsonariis et retonsoribus monete', included in the 11 Oct. 1274 'Articuli ad inquirendum' for the Gloucestershire circuit (Cam, *Studies in the Hundred Rolls*, p. 256); and 'De falsatoribus & tonsoribus denariorum', included in the Guildhall of London's 'Liber customarum Londoniensis', published in *Statutes of the Realm*, i, 234.

²¹ *Rotuli Hundredorum*, i, 169, 175, 176, 177, 179; ii, 282. In Cambridgeshire (ii, 392), an interrogatory concerning Norman lands that ought to escheat to the king prompted testimony about a Jew named Bonenfant who had recently been hung for coin-clipping. On the Jews of Bristol and coin-clipping charges, see M. Adler, 'The Jews of medieval Bristol', in his *Jews of Medieval England* (1939), pp. 177–251, especially pp. 228–9.

²² H. S. Q. Henriques, *The Jews and the English Law* (Oxford, 1908), pp. 54–9; Richardson, *English Jewry*, pp. 221–5; Roth, pp. 70–85; M. Powicke, *The Thirteenth Century, 1216–1307* (2nd edn., Oxford, 1962), pp. 322, 625, 633; M. Prestwich, *War, Politics and Finance under Edward I* (1972), pp. 199–202. For specific cases, see *Plea Rolls of the Exchequer of the Jews Preserved in the Public Record Office*, ed. S. Cohen, revd. P. Brand (1992), pp. 23, no. 147; 24, no. 155; 30, no. 200; 33, no. 219; 43, no. 272; 77, nos. 459–60; 78–79, no. 467; 102, nos. 576–7; 103, no. 581; 123, no. 659; 124, no. 665; 128–9, no. 681; 159, no. 857; 167–8, nos. 887–9.

The perception of serious coin debasement at the beginning of Edward I's reign had a basis in reality. By 1278 English coinage had become so debased that London recognizances of debt frequently called for 'good, round, unclipped coin'.²³ It should be remembered that monetary offences were increasingly being viewed as capital offences tantamount to high treason for invading a regalian right and altering the king's image.²⁴ Nevertheless, one may be sceptical that Edward I's policy of combating coin-clipping resulted solely from a desire to restore the integrity of English money, for the profit motive was never far away in Angevin dealings with the Jews. The king was surely interested in the fines and confiscations that would follow criminal prosecutions, particularly after mass arrests of Jews and others in November 1278 for coin-clipping and related offences. Edward I may well have viewed the standard machinery of justice as inadequate to deal with the problem because itinerant justices obviously had to take cognizance of too many infractions outside the urban and commercial centres where cases involving trespass of the king's money clustered. There is some evidence that the king had also come to regard the justices of the Jews as not entirely trustworthy, though they continued to hear pleas outside London even after the coin-clipping campaign was launched.²⁵

Edward I turned to commissions of oyer and terminer to combat coin-clipping. This judicial mechanism was used 'to hear and determine' offences of a particular sort or localized to certain places and thus help to prevent backlogs of the general eyre.²⁶ He appointed a commission of oyer and terminer in December 1276 to try coin-clipping cases in London and Nottingham.²⁷ Perhaps satisfied with this effort, the king created three special commissions of oyer and terminer on 5 January 1279 by letters patent issued at Windsor under the great seal. Each commission comprised three royal justices assigned to visit particular counties: Stephen de Penecestre, Walter de Helyun and John de Cobham were assigned to visit the city of London and fourteen southern and eastern counties (Middlesex,

²³ *Calendar of Letter-Books of the City of London* ed. R. R. Sharpe (11 vols., 1899–1912), i (*Letter-Book A*) p. v.

²⁴ Pollock and Maitland, i. 504–5; ii. 540. In the previous century, Glanville's treatise (xiv, 7) had listed the making of false money with other serious crimes pertaining to royal justice. Coin-clipping remained a felony at common law until 1351–2, when it became treason by 25 Edw. III, Stat. V, c.2 (*Statutes of the Realm*, ii. 319).

²⁵ Richardson, *English Jewry*, p. 153. Displaying a lack of confidence in the judicial competence of the exchequer of the Jews, Edward I commissioned the treasurer and barons of the exchequer in 1275 to correct an error by the justices of the Jews in a Norwich trespass case and to provide 'full and speedy justice' (see *Select Cases in the Exchequer of Pleas*, ed. H. Jenkinson and B. E. R. Formoy (Selden Soc., xlviii, 1932), pp. cx, 69–70, no. 131).

²⁶ A. Harding, 'Early trailbaston proceedings from the Lincoln Roll of 1305', in *Medieval Legal Records edited in Memory of C. A. F. Meekings*, ed. R. F. Hunnisett and J. B. Post (1978), p. 149. The increased use of commissions of oyer and terminer to prevent backlogs was probably related to a decision made in 1278 to begin continuous visitations of the realm by two circuits of itinerant justices (P. Brand, 'Edward I and the transformation of the English judiciary', in *idem*, *The Making of the Common Law* (1992), pp. 137–8).

²⁷ Richardson, *English Jewry*, pp. 187, 217; *Calendar of Patent Rolls 1272–81*, pp. 236, 287.

Surrey, Sussex, Kent, Essex, Hertfordshire, Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, Buckinghamshire, Bedfordshire, Oxfordshire and Berkshire); Bartholomew de Suthleye, William de Brayboeuf and Adam le Botiller to visit eleven western counties (Hampshire, Wiltshire, Somerset, Dorset, Devon, Cornwall, Gloucestershire, Worcestershire, Herefordshire, Shropshire and Staffordshire); and John Bek, Alexander de Kirketon and Ranulph de Acre to visit northern and middle counties (Yorkshire, Northumberland, Cumberland, Lancashire, Westmorland, Nottinghamshire, Derbyshire, Lincolnshire, Northamptonshire, Rutland, Warwickshire and Leicestershire).²⁸ Six of the commissioners had served as sheriffs and three as justices of central courts or officers of the Exchequer.²⁹

The special commissions were launched less than five months after the general eyre of 1278–9 had begun its visitation of the counties, having been commissioned during the parliament of Gloucester to proceed in two circuits, and also overlapped with the Michaelmas and Hilary terms of the exchequer of the Jews in 1278–9.³⁰ The nine justices of oyer and terminer were empowered to conduct an inquest of coin-clipping and related criminal activities, receive ‘veredicta’ or answers containing presentments by local juries in response to the articles of inquest, hear pleadings and try pleas of the Crown, and render judgments. To facilitate their work, the commissioners Stephen de Penecestre, Walter de Helyun and John de Cobham were entrusted with an account roll recording fines for coin-clipping and related offences received during the years 1275–8 by William de Graveley as serjeant of the Tower in his capacity as a subordinate of the constable, who had oversight for the Jews of London.³¹

In the patent rolls, the 5 January 1279 writs establishing the commissions of oyer and terminer were recorded under the marginal rubric ‘De inquisicione facta de retonsoribus monete’ and paraphrased the mode of inquest.³² The Capitula was probably composed by a royal justice or exchequer official,

²⁸ *Cal. Pat. Rolls 1272–81*, p. 338.

²⁹ In the last ten years of Henry III’s reign, Stephen de Penecestre had been sheriff of Kent as well as constable of Dover castle and warden of the Cinque Ports, occasionally being assigned judicial duties in the latter capacity. Walter de Helyun and John de Cobham had served as justices of King’s Bench and Common Pleas in the early years of Edward I’s reign, and on 15 July 1278 the two had been appointed to assess a tallage on the Jews of England. Cobham also became a baron of the exchequer in 1276, and John Bek was an officer of the exchequer around this time. William de Brayboeuf, Adam le Botiller, John de Cobham, Alexander de Kirketon and Ranulph de Acre had served as sheriffs. For biographical information, see E. Foss, *The Judges of England* (9 vols., 1848–64), iii. 19, 54, 77–9, 102–3, 138–9; J. Sainty, *The Judges of England, 1272–1900: a List of Judges of the Superior Courts* (Selden Soc., Supplementary Ser., x, 1993), pp. 22, 59, 107; *Calendar of Close Rolls 1272–9 and Calendar of the Plea Rolls of the Exchequer of the Jews Preserved in the Public Record Office*, ed. J. M. Rigg, H. Jenkinson and H. G. Richardson (4 vols., 1905–72), *passim*.

³⁰ D. Crook, *Records of the General Eyre* (Public Record Office Handbooks, no. 20, 1982), pp. 144–70; *Plea Rolls Exchequer of Jews*, pp. 138–90.

³¹ *Cal. Plea Rolls Exchequer of Jews*, iv. 170.

³² Public Record Office, Patent Rolls, C 66/98, m.26d. Articles for inquests in 1274–5 and 1279 were possibly also condensed in the patent rolls (Cam, *Studies in the Hundred Rolls*, pp. 14–15, 30).

though never enrolled, then issued as engrossed copies to each of the nine judges along with the commissions.³³ Various trespasses of the king's money were mentioned in the commissions, including coin-clipping by Jews and Christians, exchange of lawful money for clipped coins or silver clippings, and breaking into the dwellings of Jews who had been arrested to carry away treasure and goods found therein.³⁴ However, the seventeen articles in the *Capitula* provide a far more complete list of charges and thus give us a better notion of the official reasons for launching the 1279 inquest. While Edward I's policies had been in transition since 1275, coin-clipping had clearly come to be confounded in his mind with official corruption and misconduct, both persistent problems since the special inquest of the sheriffs in 1170. Edward I had used inquest and legislation since 1274 to enforce ethical standards and prevent misdeeds such as bribery, extortion, concealment of crimes and other abuse of power by royal justices, sheriffs and coroners.³⁵ Popular belief in the prevalence of official misconduct was sufficiently widespread to have resulted even in false accusations, as in 1276 when Michael del Car, a royal customs collector for Devonshire, was accused by an Exeter merchant of being a counterfeiter.³⁶ Building on these recent efforts, three articles in the *Capitula* (nos. 3, 4, 11) single out sheriffs and other officials, including constables and bailiffs, who could be bribed to overlook coin-clipping; or who arrested and then freed coin-clippers after taking and concealing their silver clippings or plate; or who seized and concealed the possessions of Jewish and Christian suspects who were not found to have clippings.³⁷ Equally at fault were itinerant justices who accepted bribes and thus only pretended to execute their official

³³ Although the authorship of particular articles of the inquest is rarely known, there is substantial evidence that in 1227 the royal justice Martin de Pateshull had drafted articles for an inquest (never carried out) of the Cinque Ports and sent them to the Chancery for sealing and authorization (*Surrey Eyre*, i. 90).

³⁴ *Cal. Pat. Rolls 1272–81*, p. 338. For additional mandates concerning trespasses against the king's money, see *ibid.*, pp. 297, 312, 338, 470; T. Rymer, *Foedera, conventiones, litterae . . . et acta publica*, ed. A. Clark, F. Holbooke and J. Caley (4 vols. in 7, 1816–69), i. 570; and *Cal. Close Rolls 1272–9*, pp. 529–30. In May the justices were assigned additional responsibility pertaining to alleged Jewish blasphemies against Christianity (Rymer, i. 570; *Cal. Close Rolls 1272–9*, pp. 565–6).

³⁵ R. F. Hunnisett, *The Medieval Coroner* (Cambridge, 1961), pp. 118–20; R. C. Palmer, *The County Courts of Medieval England, 1150–1350* (Princeton, N.J., 1982), pp. 34–5, 43, 231, 233, 234n, 251; R. V. Turner, 'The reputation of royal judges under the Angevin kings', *Albion*, xi (1979), 301–16, repr. in R. V. Turner, *Judges, Administrators and the Common Law in Angevin England* (1994), pp. 100–18; P. Brand, 'Edward I and the judges: the "state trials" of 1283–93', in *Making of the Common Law*, pp. 104, 106.

³⁶ *Select Cases in King's Bench*, i. 29, no. 20.

³⁷ By contrast, the interrogatories for a 1258 inquest into fiscal transgressions by local officials included such offences as 'cartis confectis per Judaeos malitiose' and 'falsariis cartarum tam de Judeis quam Christianis' but only mentions coin-clipping in connection with Christians: 'Item de Christianis usuariis et falsariis et tonsoribus monetarum et excambiatoribus contra assisa' (*Matthaei Parisiensis Chronica Majora*, ed. H. R. Luard (7 vols., Rolls Ser., 1872–84), vi. 398–9). For a description of such local officials, see H. M. Cam, 'Shire officials: coroners, constables and bailiffs', in *The English Government at Work, 1327–36*, ed. J. F. Willard, W. A. Morris and W. H. Dunham, Jr. (3 vols., Cambridge, Mass., 1940–50), iii. 143–83.

duties (no. 12) and those who failed to make accusations against coin-clippers to the king and his bailiffs (no. 16).

Also under suspicion were founders who refined clippings or silver plate made therefrom (no. 10), merchants who frequently exchanged good money for bad in their day-to-day business dealings (no. 6) and mint officials or exchangers who did so more infrequently (no. 7). Though not specifically mentioned in the *Capitula*, goldsmiths suspected of monetary offences were probably considered under 'cambitores' because mints and exchanges were so closely associated that either could be indicated by the word 'cambium'.³⁸ The king had already attempted by royal ordinance on 7 December 1278 to prevent commerce in 'light' coinage and silver plate by goldsmiths and the export of the same by Jews, Christians and foreign merchants; and followed up with another writ on 5 January 1279, in which Stephen de Penecestre, Walter de Helyun and John de Cobham were ordered 'to view, examine and make scrutiny of the money in the king's exchanges of London, Canterbury and Bury St. Edmunds and to hear and determine all trespasses committed by the keepers, ministers and workmen of the said exchanges'.³⁹ This writ led to the arrest of goldsmiths and mint officials. In Bury St. Edmunds, for example, royal officials entered the abbey's *banleuca*, in flagrant violation of the abbey's ancient liberties, to arrest five goldsmiths and three other townsmen, who were taken to London while their premises were searched for incriminating evidence. The goldsmiths had long been entrusted with the operation of the abbot's profitable mint by the sacrist, who was the abbot's deputy and chief judicial officer. In 1279 John de Cobham and Walter de Helyun came to Bury St. Edmunds and arrested the town's goldsmiths and other mint officials. The suspects were tried in the guildhall of Bury St. Edmunds and amerced. Even the sacrist was fined 100 marks, and the abbey was forced to negotiate with the king in defence of its liberties.⁴⁰ Operating under the

³⁸ In the 13th century, the term 'cambium' was used interchangeably for both exchange and mint, as in the title of the office 'custos cambii'. While the term 'monetarii' was properly used for the moneyers of mints, and 'cambitores' could be narrowly used to indicate those responsible for the purchase of coin and silver to be melted down by founders at the various mints, 'cambitores' could be used loosely to indicate both mint officials and exchangers or money-changers (Craig, p. 46; *The De moneta of Nicholas Oresme and English Mint Documents*, trans. and ed. C. Johnson (1956), xxii; *The Red Book of the Exchequer*, ed. H. Hall (1 vol. in 3, Rolls Ser., 1896), iii. 979–80, 983–4; C. G. Crump and A. Hughes, 'The English currency under Edward I', *Economic Jour.*, v (1895), 59). This flexible term was later used as well for the money-changers who managed exchanges at Dover and other ports for English and foreign money (A. Bearwood, 'The royal mints and exchanges' in *English Government at Work*, pp. 34–5, 53–6).

³⁹ *Cal. Close Rolls 1272–9*, pp. 516–18; *Cal. Pat. Rolls 1272–81*, p. 338; Rymer, i. 564.

⁴⁰ For contemporary documents and chronicler's accounts concerning the Bury St. Edmund's incident, see *Red Book of the Exchequer*, iii. 987; *The De Moneta*, pp. 85–7; *Memorials of St. Edmund's Abbey*, ed. T. Nelson (3 vols., Rolls Ser., 1857), iii. 33; *The Chronicle of Bury St Edmunds, 1212–1301*, ed. A. Gransden (1964), pp. 66–7; *Chronica Johannis de Oxenedes*, ed. H. Ellis (Rolls Ser., 1859), p. 253. On the Bury St. Edmund's mint and the abbey's relations with the Crown, see M. D. Lobel, *The Borough of Bury St. Edmund's: a Study in the Government and Development of a Monastic Town* (Oxford, 1935), p. 134, n. 3; *The Letter-Book of William of Hoo, Sacrist of Bury St. Edmunds, 1280–94* (Suffolk Records

same authority, Stephen de Penecestre seized the exchange and mint of the archbishop of Canterbury in 1279.⁴¹

Several articles (nos. 13–15, 17) in the Capitula were designed to facilitate confiscation of the property of convicted coin-clippers, especially Jewish ones, by determining the value of the assets of suspects and the physical custody of such assets around the time of the mass arrest of Jews on 18 November 1278. In a letter of 3 January 1279, Edward I had expressed his desire that 'all those detaining the goods of Jews which ought to belong to the Crown may be excommunicated'.⁴² Even without this extra weapon, the 5 January 1279 commissions of oyer and terminer empowered the special justices to identify Christians 'who entered the houses and dwellings of the Jews lately taken and detained in prison [and] carried away treasure and goods found therein' or otherwise had come improperly into possession of their moveable property, lands, and holdings. The Capitula's corresponding article (no. 14) refers to Christians (most likely private individuals rather than public officials) who on or before 18 November 1278 had received valuables from the Jews.⁴³ Specifically, this article mentions chests ('archas'), which probably refers to private strong-boxes of the Jews in which valuables were stored rather than to the communal chirographer's chests; jewellery and other precious objects ('jocalia');⁴⁴ coins or silver ('argentum'), presumably including clippings; and charters or bonds ('scripta'). The latter refers to the portions of the tripartite Jewish starrs and charters that were privately retained by the Jews rather than to the record copies kept in the chirographer's chests, which periodically had been the object of Christian fury because they documented their debts and other contractual obligations to the Jews.⁴⁵ Edward I was clearly concerned

Soc., v, 1963), p. 8; R. S. Gottfried, *Bury St. Edmunds and the Urban Crisis, 1290–1539* (Princeton, N.J., 1982), p. 82.

⁴¹ The archbishops of Canterbury had for centuries enjoyed the royal privilege of operating the exchange and mint at Canterbury. In letters of 16 June–18 Aug. 1279, Archbishop Peckham appealed to Edward I to confirm this royal privilege and for Stephen de Penecestre to surrender the exchange and mint at Canterbury. This did not occur until 1280, however, with a loss of profits to the archbishopric (*Registrum epistolarum Fratris Johannis Peckham, archiepiscopi Cantuariensis*, ed. C. T. Martin (2 vols., Rolls Ser., 1882–5), i, 52, 392c–f; S. Pegge, *An Assemblage of Coins, Fabricated by Authority of the Archbishops of Canterbury* (Chicago, Ill., 1975), pp. 35, 79, 87; I. J. Churchill, *Canterbury Administration* (2 vols., 1933), i, 539–40; D. L. Douie, *Archbishop Peckham* (Oxford, 1952), pp. 64–5.

⁴² *Episcopal Registers, Worcester: Register of Bishop Godfrey Giffard, 1268–1301*, ed. J. W. Willis Bund (2 vols., Oxford, 1902), ii, 103.

⁴³ The property taken was of the sort that generations of Edwardian tax assessors considered to be treasure (see J. F. Hadwin, 'Evidence on the possession of "treasure" from lay subsidy rolls', in *Edwardian Monetary Affairs (1279–1344): a Symposium Held in Oxford, August 1976*, ed. N. J. Mayhew (Oxford, 1977), pp. 147–65, especially notes on pp. 154–5).

⁴⁴ While 'jocalia' can simply be translated as jewellery, in legal documents the word more accurately covers a wide assortment of valuable items such as rings, cups and other utensils made of precious metal, as well as silk, garments and even books. Pipe roll entries of 1285 provide inventories of the valuables of two Jews in Bristol ('compotus de jocalibus Judeorum') (Adler, pp. 241–2). See also a 1251 inquest in *Calendar of Inquisitions Miscellaneous*, i, 44, no. 126; the 'contrarotulus jocalium' in *Records of the Wardrobe and Household, 1285–6*, ed. B. F. Byerly and C. R. Byerly (1977), pp. 196–205.

⁴⁵ A second copy of starrs and Jewish charters would have been given to the Christian debtor and

about Christians who had either seized or been entrusted with Jewish property in 1278, thus standing in the way of Crown plans to tallage the Jews or confiscate their property.⁴⁶ In all such cases, the justices were to determine what property had been taken and by whom.⁴⁷ Questions about Jewish property were quite consistent with Edward I's belief that the Jews were royal property; for the Angevins believed in the legal maxim 'what is the Jew's is the king's',⁴⁸ and suffered Jews to live in England only so long as they continued to be a fruitful source of revenues to the Crown.⁴⁹

Administering the 'Capitula de tonsura monete', the justices of oyer and terminer managed to accomplish in a few months (essentially by May 1279) what the general eyre had not been able to do in the course of many years. While the defined scope of the inquest surely helped identify many suspects in a relatively short period of time, the special commissioners may have been helped by other factors. Royal officials seem to have entrapped many Jewish suspects in 1278–9 through the efforts of the convert Henry of Winchester, who having actively bought up clipped coin and fused plate, then having been pardoned for these dealings, betrayed his Jewish accomplices to authorities and provided evidence against them.⁵⁰ The work of the special commission was also facilitated by the attacks against the Jews in November 1278 and by popular hostility and unwarranted accusations against them, so serious that it led eventually to a halt in the judicial campaign, as explained by the king in a writ to the commissioners of oyer and terminer in May 1279.⁵¹ While reports by chroniclers may appear somewhat exaggerated and estimates by historians vary widely, there is evidence that as many as 600 Jews were held in the Tower of London and that 269 Jews (but only twenty-

a third copy placed in one of the official chests of chirographs ('archa cirographia'), which existed from their creation by Richard I in 1194 until the expulsion of the Jews. On the chests, see F. A. Lincoln, *The Starra: their Effect on Early English Law and Administration* (Oxford, 1939), pp. 95–110; K. Scott, 'The Jewish Arcae', *Cambridge Law Jour.*, x (1950), 446–55.

⁴⁶ This was, of course, much the sort of moveable property on which Edward I had designs. On 28 March 1281, for example, Adam de Wynton was commissioned to 'enquire by jury of Christians and Jews in the counties of Oxford and Berks touching goods of gold and silver, pledges, jewels, and other moveables late of Jews condemned for clipping the money, which have remained in the hands of their wives or of certain Christians or other Jews, and to do herein what should be done according to the custom of the Jewry' (*Cal. Pat. Rolls 1272–81*, p. 470).

⁴⁷ It is unknown if an additional interrogatory was ever added to this list in May 1279 when the crime of blasphemy by Jews and Jewish converts to Christianity was added to the commissioners' purview by royal writ (*Cal. Close Rolls 1272–9*, pp. 565–6; Rymer, i, 570).

⁴⁸ On the status of the Jews and statements of this principle, see Pollock and Maitland, ii, 468–75. For example, Richard I had attempted through the 9th article of the eyre in 1194 to prosecute murderers of the Jews and recover their belongings (Richardson and Sayles, *Law and Legislation*, p. 133).

⁴⁹ *Cal. Plea Rolls Exchequer of Jews*, ii, introduction, p. xxii.

⁵⁰ Less evidence was required to convict Jews than Christians, for Bishop Thomas de Cantilupe, then a member of the king's council, is said to have convinced Edward I not to permit Henry of Winchester to have 'testimonium et recordum' over Christians accused of the same monetary offences (Stacey, pp. 277–8). This subject has also been explored in a paper given by Paul Brand at the 1993 annual meeting of the Medieval Academy of America.

⁵¹ Rymer, i, 570.

nine Christians) were hanged after a special trial at the Guildhall in London before justices Stephen de Penecestre, Walter de Helyun and John de Cobham. The Jews suffered far out of proportion to their involvement in coin-clipping and related crimes. This would lead one to conclude that these judges required less evidence to convict Jews than Christians similarly accused.⁵² The campaign had left English Jews with markedly diminished financial resources, making them less attractive as sources of royal taxation and unfit for economic competition with Italians and Cahorsin merchants. According to the conventional wisdom, the fate of the Jews was sealed a decade before their expulsion. Edward I had what he wanted, at least for the moment, because the judicial campaign and recoinage had restored monetary integrity, while a substantial fiscal bounty of forfeited property, heavy fines and coerced gifts helped finance a protracted Welsh war.

The 'Capitula de tonsura monete' should have been forgotten after 1279 as articles of inquest that had served a limited purpose, like the special commissions that administered them to jurors. Yet non-official copies began to be copied and presumably read after the judicial campaign had been concluded. The earliest copies extant were probably copied in the twelve-eighties into the registers of St. Edmunds abbey and Canterbury cathedral (British Library, Harley MS. 645 and Cotton MS. Cleopatra C.vii).⁵³ It is hardly surprising that church prelates whose mint privileges had been attacked, as we have seen, would have had an interest in retaining copies of the Capitula. Indeed, the English church had been copying statutes and other royal enactments of special interest long before there were *statuta Angliae*.⁵⁴ Other copies of the Capitula have a less obvious provenance. All are in

⁵² Rokéah, part 1, pp. 91, 96–8, part 2, pp. 160–1; J. M. Rigg, 'The Jews of England in the 13th century', in *Cal. Plea Rolls Exchequer of Jews*, ii, introduction, p. xix; Roth, p. 75; Richardson, *English Jewry*, p. 218; *Cal. Letter-Books (Letter-Book A)*, pp. v–vi.

⁵³ The copy of the 'Capitula de tonsura monete' in the Register Kempe (Brit. Lib., Harley MS. 645) was clearly from Bury St. Edmunds abbey (see C. E. Wright, *Fontes Harleiani* [1972], p. 90). This copy (fo. 200) follows immediately after a series of documents properly described as 'minutes of meetings between the prelates and members of the council in the Easter parliament, 1285' in H. G. Richardson and G. O. Sayles, 'The clergy in the Easter parliament, 1285', *Eng. Hist. Rev.*, lii (1937), 220–34. In the Register Kempe, the Capitula precedes a copy of the 5 Nov. 1290 edict of expulsion (fo. 205v). The copy of the Capitula in Brit. Lib., Cotton MS. Cleopatra C.vii (fo. 10r–v) was written by the same scribe responsible for items 1–10 and 12–13 as listed in *A Catalogue of the Manuscripts in the Cottonian Library Deposited in the British Museum* (1802), p. 582. In the same hand are at least two texts pertaining to Canterbury: (1) 'Forma homagii faciendi domino Cantuariensis archiepiscopo' (fo. 11v), unrecorded in the above catalogue; and (2) *Historiola de resignatione prioratus ecclesie Christi Cantuariensis*, concerning the priory of Christ Church Canterbury in 1284, accompanied by a writ issued by Edward I on 1 June 1285 (fo. 16v). The copy of the Capitula was most likely retained for the archbishops of Canterbury. Cotton MS. Cleopatra C.vii also contains statutes, ordinances and other documents dating from the 14th century to the early 16th, as well as the cartulary of Merton priory. There is no evidence in *The Records of Merton Priory in the County of Surrey*, ed. A. Heales (1898) that this religious house had any involvement in coinage or the judicial campaign of 1278–9.

⁵⁴ Church officials, townsmen and landowners began to keep registers into which were copied official documents, legal treatises and other documentation. They were initially much influenced by

statuta Angliae and are more difficult to date. Yet the presence of authentic statutes, dated or datable legal texts and localized documents copied by the scribe who also copied the Capitula can suggest the earliest possible date of a Capitula copy and even a range of years in which it was likely to have been copied into the particular manuscript. In this way other extant copies of the Capitula can be shown to date from the post-expulsion period.⁵⁵ While it is possible that the Capitula enjoyed special status as an example of what Hubert Hall described as the 'statutory and political inquisitions' of twelfth- and thirteenth-century England,⁵⁶ this unenrolled document survived

chancery and exchequer practice to make informal reference copies and later official enrolments of royal documents. Consequently, copies of statutes abound in episcopal registers; monastic cartularies, chronicles and letterbooks; and miscellanies containing treatises on estate management and accounting used by Benedictine houses during the 13th century and especially from the reign of Edward I (see V. H. Galbraith, *An Introduction to the Use of the Public Records* (1963), p. 22; C. Jenkins, 'Some 13th-century registers', *Church Quarterly Rev.*, xcix (1924), 69–115; W. A. Pantin, 'English monastic letter-books', in *Historical Essays in Honour of James Tait*, ed. J. G. Edwards, V. H. Galbraith and E. F. Jacob (Manchester, 1933), pp. 201–2; G. R. C. Davis, *Medieval Cartularies of Great Britain: a Short Catalogue* (1958), pp. xii–xiii; D. M. Smith, *Guide to Bishop's Registers of England and Wales: a Survey from the Middle Ages to the Abolition of Episcopacy in 1646* (1981), pp. ix–x; and D. Oschinsky, *Walter of Henley and Other Treatises on Estate Management and Accounting* (Oxford, 1971), pp. 29, 57, 61).

⁵⁵ The French translation of the Capitula in Brit. Libr., Add. MS. 32085, is in a codicologically discrete section of the manuscript (fos. 102–122v), grouped with other legal texts and documents, the final and latest of which is a document dated 6 June 1291. Copies in five statuta Angliae (Princeton Univ. Libr., Garrett MS. 146; Lambeth MS. 166; Brit. Libr., Harley MS. 1120; Cambridge Univ. Libr., MS. Ll.4.17; and Trinity College Libr., Cambridge, MS. 1192) must date at least from the 1290s because, in the same hand as the 'Capitula de tonsura monete', each includes copies of the Statute of Conspirators (1292) and the undated *Tractatus de antiquo dominico corone*. According to A. J. Horwood, this brief legal tract was in fact a legal opinion rendered by Anger de Ripon, an Edwardian lawyer whose name appears in the law reports of Common Bench for 20 Edward I (1292) and of the Middlesex eyre for 22 Edward I (1294). (*Year Books of the Reign of Edward I, Years 20 and 21*, ed. A. J. Horwood (5 vols., Rolls Ser., 1863–79), i, pp. xviii–xix.) Harley MS. 1690 also includes a copy of this tract in the same hand as the Capitula copy. In addition, Garrett MS. 146 replaces copies of the Magna Carta and Charter of the Forest issued by Henry III with the versions confirmed by Edward I in 1297, again in the same hand as the Capitula copy. So too appears to be the case with the copy in the Mellor-Baxter statuta Angliae. Copies in three other statuta Angliae are of later origin: Harley MS. 1807 includes a copy of the Statute of Lincoln (1300) and the Statute of Carlisle (1306–7), both in the same hand as the Capitula copy. According to N. R. Ker, Bridport MS. 2644 was probably written in 1326 or not long thereafter and perhaps by Richard Laurence, who served as bailiff of Bridport in 1350 (N. R. Ker, *Medieval Manuscripts in British Libraries* (4 vols., Oxford, 1969–92), ii, 169–73). The latest copy is in Manchester, John Rylands Univ. Libr., Latin MS. 252. Robert Fawtier dated this statuta vetera et nova to the 15th century in his 'Hand-list of additions to the collection of Latin manuscripts in the John Rylands Library, 1908–20', *Bull. John Rylands Libr.*, vi (1920–1), 199. The script is similar in style to a chancery hand of 1437 (C. Johnson and H. Jenkinson, *English Court Hand A.D. 1066 to 1500, Illustrated chiefly from the Public Records* (Oxford, 1915), plate xxxviii, a), and to a secretary hand attributed by Malcolm Parkes to the second quarter of the 15th century (M. Parkes, *English Cursive Book Hands, 1250–1500* (Oxford, 1969), plate 11 (ii)).

⁵⁶ H. Hall, *Studies in English Official Historical Documents* (Cambridge, 1908), pp. 297–306. Thus, besides the usual procedure denoted by the presence of a Writ, a Form of Inquisition and voluminous Returns, recording the verdicts of local juries, two further stages of institutional development may be frequently observed. These are the Pleadings consequent on the aforesaid verdicts and the Accounts of profits accruing to the Crown, whether from fiscal assessments or political delinquencies' (p. 297).

textually after 1290 because it was perceived to be legally relevant to continuing problems related to coinage and English Jewry.

Edward I may have believed in 1279 that he had put an end to his monetary crisis and that the general eyre would be adequate to handle scattered cases involving trespass of the king's money.⁵⁷ A renewed role for the general eyre is confirmed by an examination of extant articles of inquest.⁵⁸ Yet its efforts soon needed to be supplemented by other inquest procedures. Within a year of the recoinage, the royal proclamation 'Defensio tonsure' recognized the danger posed to the 'new money' by coin-clipping and threatened those found guilty, including mint officials and goldsmiths, with capital punishment and confiscation of property.⁵⁹ The 'Defensio tonsure' was perhaps meant to be enforced judicially through an 'inquisitio de cambio' using articles of inquest that now survive in a Bracton manuscript (British Library, MS. Royal MS. 9 E.xv fo. 216) possibly copied for the archbishop of Dublin around 1280.⁶⁰ Evidently, the judicial campaign of 1279 had been so devastating to English Jewry as the principal targets and victims of the inquests that Jews were mentioned neither in the 1280 proclamation nor in the articles of inquest. In 1283, however, coin-clipping was mentioned in three of the fifteen interrogatories probably intended for use in the enforcement of the so-called Articles of Jewry, a draft statute that was

⁵⁷ For example, before Solomon of Rochester and the other justices of the eyre for Wiltshire in 1281, a jury at Wilton condemned two Christian coin-clippers to the gallows (*Wiltshire Gaol Delivery and Trailbaston Trials*, ed. R. B. Pugh (Wiltshire Record Soc., xxxiii, 1978), p. 60 (no. 185)).

⁵⁸ Those used in 1276 appear again in the Pucklechurch roll pertaining to the Gloucestershire eyre of 1287. In the Midhurst borough roll of returns from the Sussex eyre of 1288 there are two interrogatories concerning Jews engaged in coin-clipping and counterfeiting, and Jews and Christians who sold or exchanged silver plate fused from coin-clippings or deceived buyers with false plate made from a base metal coated in silver, which had possibly come from coin-clippings. 'De catallis Iudaeorum dampnatorum pro tonsura et falsionaria monete conclatis; De his qui falsas platas et conflatas vendiderunt vel eschambiaverunt' (Cam, *Studies in the Hundred Rolls*, pp. 33, 35–6, 63, 92, 96n.). The relevant articles of the eyre are nos. 18–20 in the Pucklechurch roll and nos. 30–31 in the Midhurst roll, quoted above.

⁵⁹ The proclamation is found in the *Red Book of the Exchequer* (fo. 245v) and extracted in *The De moneta*, p. 59.

⁶⁰ Appended at the end of Bracton in Brit. Libr., Royal MS. 9. E. xv on fo. 216r–v and written in the same hand as the primary text are four documents dating from 1279–80, which are numbered 745–8 in the margin. The first document (no. 745) concerns *quo warranto* proceedings, and two others (nos. 747–8) of 1279 relate to John de Darlington, archbishop of Dublin, for whom the entire manuscript was probably copied. The articles of inquest (no. 745) are cited in this manuscript's contemporary table of contents (fos. 1–10) as 'Super quibus articulis fiet inquisicio de cambio' and read as follows: 'Inquiratur imprimis de cambio sic. ¶ Qui cambiaverint novam monetam pro veteri sine waranto et quantum qualibus cambiavit et pro quanto. ¶ Item quo similiter cambiaverint novam monetam pro platis et quantum qualibus cambiavit et pro quanto. ¶ Item si aliquis aurifaber emerit aliquod argentum preter vasa fracta ab aliquo preter quia a cambiatore domini regis et quantum et pro quanto. ¶ Item quantum argentum aurifabri cambiaverint de fractivo in virgis vel platis. ¶ Item quantum argentum unusquisque aurifaber emerit a cambiatoribus domini regis et pro quanto. ¶ Item si aliquis de cambio cambiavit aliquem denarios extra cambium domini regis et ad opus suum proprium'. While the king had established an 'inquisicio de cambio' on 5 Jan. 1279, the above articles date from 1280 because they refer to the 'new money'. These interrogatories were not mentioned in *The De moneta*, and appear never to have been published.

primarily concerned with moneylending.⁶¹ The articles of inquest and draft statute were probably contemporary with the Statute of Merchants (1283) but were never formally issued.⁶² 'Clipping was one of the evils aimed at in the so-called Statute of Money of 1284', wrote H. G. Richardson, 'but the alleged culprits were merchants and especially foreign merchants; and though vague allegations persisted that Jews were concerned with dealings in sheet silver made from clippings and in counterfeit plate, there were no more special sessions for foredoomed Jewish suspects'.⁶³

By the late twelve-eighties, an increase in cases may even have led to a reissue of the *Capitula*, though not in connection with English Jewry.⁶⁴ Patent

⁶¹ Based on copies of the Latin version in Brit. Libr., Harley MS. 79 (fos. 12v–13) and Cambridge University Library, MS. Mm.1.27 (fo. 104r–v), the articles of inquest read as follows: 'De judeis falsonariis et tonsoribus monetæ et de receptatoribus eorum qui emerint argentum in platibus fundatis de retonsurâ. ¶ De christianis et judeis mutantibus ad invicem bonam monetam pro monetâ retonsa. ¶ De cartis vel litteris patentibus vel tallis factis quibuscumque judeis extra archam existentibus et de cartis recentis per cyrographum extra archam ultra x dies. ¶ De judeis receptantibus latrocinia et pannos sanguinolentes vel madidos vel ornamenta ecclesie. ¶ De judeis usurariis post statuta provisâ. ¶ De domibus et redditibus judeorum venditis sine licencia domini regis. ¶ De liberatione captorum judeorum vel detentorum per vicecomites pro transgressionem contra pacem vel pro retonsurâ absque precepto domini regis. ¶ De vicecomitibus et aliis ballivis capientibus amerciamenta de judeis ultra summam duorum solidorum. ¶ De thesauro invento sub terra in domibus judeorum vel alibi post mortem judeorum. ¶ De catallis judeorum mortuorum conclatis de quibus rex non habuit tertiam partem. ¶ De judeis mortuis pro quorum catallis et domibus ullis fecit finem infra annum. ¶ De judeis carnalem copulationem cum feminis christianis. ¶ De conversis ad fidem christianam et postea reversis ad legem judaicam. ¶ De judeis utlagatis et receptatis in judaismo. ¶ De judeis habentibus christianos eis deservientes et cubantes et levantes cum judeis'. The Harley copy was appended without a rubric to a copy of the Statutes of Jewry (1275) in a manuscript from Osney abbey, an Augustinian house in Oxford that chronicled Jewish legislation and affairs from the Statutes of Jewry to the expulsion in *Annales monasterii de Oseneia*, ed. H. R. Luard (5 vols., Rolls Ser., 1864–9), iv, 265, 278–9, 326–7. The Harley copy was written by the same scribe responsible for copying a series of important statutes from the Magna Charta of Henry III (1216) to *Quo warranto* (1290) that occupy fos. 2–16v, but it is not in the same hand as the account of a 1290 inquest at Westminster before the justices of the Jews relating to Osney abbey (fo. 1). The Cambridge copy is under the rubric *Capitula judaismum tangentia in statuta Angliæ* manuscript in which it is separated from the Statutes of Jewry by another text. Cambridge MS. Mm.1.27 was chiefly copied by Robert Carpenter of Haslet, near Shorwell on the Isle of Wight, from his father's manuscript (Gonville and Caius College, Cambridge, MS. 205; Baker, *Catalogue of English Legal Manuscripts*, p. 477).

⁶² There is also a French version of these articles of inquest in two British Library manuscripts, where it is combined with the Articles of Jewry: Add. MS. 32085 ('Chapitres tuchanz la Gyuerie', fos. 120–121v); and Add. MS. 38821 ('Articles de la Jurie', fo. 82r–v). An edition and translation of the copy in Add. MS. 32085 is in Gross, app. B, pp. 219–29; and in *Select Pleas of the Jews*, app. 5, pp. liv–lxi (see also Rigg's discussion of the text, especially p. xxxix, n. 1). For a description of the contents of Add. MS. 32085, see *Catalogue of Additions*, 1882–7, pp. 30–2. Gross proposed vaguely that this text dates from the period 1276–90, and Rigg offered no date. Recently, R. R. Mundill has argued that the 'Chapitres tuchanz la Gyuerie' dates from 1283, around the time that the Statute of Merchants was issued (R. R. Mundill, 'Anglo-Jewry under Edward I: credit agents and their clients', *Trans. Jewish Hist. Soc. England*, xxxi (1988–90), 3–4). Mundill's dating focuses on the articles of Jewry rather than the articles of inquest with which the draft statute is combined.

⁶³ Richardson, *English Jewry*, p. 221.

⁶⁴ Similarly, perhaps, a 1284 document describing imitations of English coinage was reissued without revision in 1289 (Mate, p. 57 and nos. 1, 8).

and close rolls record in 1289 that the king ordered Gregory de Rokesley and Baruncinus Galteri (or Walter) to proclaim and enforce in London and its vicinity remedies against coin-clipping and counterfeiting 'according to the articles that the king sends to them under his seal'.⁶⁵ Rokesley had served as mayor of London since 1273 and was appointed keeper of the king's exchange and warden of the London mint on 7 July 1279, along with Orlandinus de Podio (a merchant from Lucca, just like Baruncinus Galteri), remaining in that position until his death in 1295.⁶⁶ The articles sent by the king in 1289 may have been some form of the 'Capitula de tonsura monete' of 1279. The articles of 1289 may survive with modification in the contemporary legal treatise *Fleta* (book 1, chapter 20) as the 'De retonsoribus monete' section, the source of which has never been identified by legal historians. In any event, the passage is an edited version of the 'Capitula de tonsura monete' with various textual changes, principally the omission of four articles (nos. 1, 13, 14, 17) and the addition of a final article permitting the number of interrogatories to be expanded or reduced in the future as necessary.⁶⁷ If Matthew of the Exchequer had compiled *Fleta* in the years 1290–2 while imprisoned in London's Fleet Prison, as Noël Denholm-Young argued, then it is possible that this Edwardian lawyer derived the section interpolated into Bracton's rendering of the articles of the eyre (probably a version dating from 1245, updated by the inclusion of the 1246–9 and 1250–1 visitations) from the reissue of 1289 or perhaps a copy of the Capitula of 1279 in a contemporary *statuta Angliae* manuscript.⁶⁸ The 1289 inquest

⁶⁵ *Cal. Pat. Rolls 1282–91*, p. 313 (10 Feb. 1289); *Cal. Close Rolls 1288–96*, pp. 9–10 (1 March 1289). Among those receiving copies of the new articles on coin-clipping and counterfeiting were the sheriffs of London and Kent; Stephen de Penecestre, then keeper of the port of Dover; and collectors of 'the king's new custom' at Bristol and other ports. Without again mentioning articles, Edward I issued a proclamation against the same offences in 1291 (*Cal. Close Rolls 1288–96*, p. 203 (23 Sept.); *Cal. Letter-Books*, iii (Letter-Book C), p. 3 (4 Oct.)).

⁶⁶ *Cal. Letter-Books*, i (Letter-Book A), p. vi; *Cal. Pat. Rolls 1272–81*, p. 320; Craig, pp. 39, 46.

⁶⁷ *Fleta*, ed. H. G. Richardson and G. O. Sayles (Selden Soc., lxxii, lxxxix, xcix, 1955–84), ii. 55. While this edition graphically separates the 'De retonsoribus monete' section from the surrounding Bracton-derived text, in early manuscript copies such as Cotton MS. Julius B.viii (fo. 15) the section is an interpolation not physically separated from the surrounding text. The omission of article 14, clearly related to the events of 1278, would have made the 'De retonsoribus monete' section of *Fleta* appear far more timely than the Capitula to readers in the 1290s but at the same time made the precise identification of this section more difficult for modern historians. Richardson and Sayles gave no source for the section, even though they identified the adjacent text as being derived from Bracton. H. M. Cam suggested vaguely that these were 'articles on clipping and forging money, related possibly to the legislation of 1275 or the trials of 1279' (Cam, *Studies in the Hundred Rolls*, p. 70). J. A. Bush described this *Fleta* section as referring to 'issues of the Crown from the mid 1270s' in his article "'You're gonna miss me when I'm gone": early modern common law discourse and the case of the Jews', *Wisconsin Law Rev.*, v (1993), 1238, n. 36.

⁶⁸ On the authorship of *Fleta*, see N. Denholm-Young, 'Who wrote "Fleta"?', *Eng. Hist. Rev.*, lviii (1943), 1–12, and 'Matthew Checker', *ibid.*, lix (1944), 252–7 (articles repr. in *Collected Papers of N. Denholm-Young* (Cardiff, 1969), pp. 187–204). The library of Matthew of the Exchequer included *statuta Angliae*, legal treatises and various hampers and boxes of documents. For a description, see R. J. Whitwell, 'The libraries of a civilian and canonist and of a common lawyer, AN. 1294', *Law Quarterly Rev.*, xxi (1905), 394–96. G. O. Sayles doubted this attribution (*Fleta*, iv, pp. xxiv–xxv). Paul Brand has recently written about Matthew of the Exchequer, 'His legal knowledge and close

decreed by king and council does not seem to have been strenuously enforced.

Monetary problems continued during the twelve-nineties because Flemish and other continental merchants, who had long been implicated in coin-clipping and counterfeiting, actively exchanged sterling for pollards and crockards, which were imitation 'long cross' pennies of inferior assay struck on the continent from the late twelve-eighties, particularly by princes in the Low Countries. While far less numerous than clipped coins in circulation, pollards and crockards proliferated to the detriment of English coinage, leading in 1299 to the Statute concerning False Money and partial recoinage in 1299-1301.⁶⁹ Since the 'Capitula de tonsura monete' related to Christians as well as Jews, it would have been copied and read because it appeared relevant to the continuing problems of coin-clipping and other monetary offences during the twelve-eighties and particularly the twelve-nineties, when most of the extant copies of the Capitula were being copied into statuta Angliae manuscripts by scribes in London and other centres of book production.

Another area of continuing interest in the Capitula was in connection with English Jewry. To the extent that Jews were the principal victims of the judicial campaign of 1278-9, it might at first seem surprising that the Capitula was included in statuta Angliae produced in the years after the expulsion and even in one fifteenth-century manuscript. Yet it was not the only Edwardian statute, ordinance or other document concerning the Jews included in post-expulsion legal manuscripts. The Statutes of Jewry can be found in some early statuta Angliae.⁷⁰ So too can be Edward I's writ of 5 November 1290 issued at King's Clipstone, by which the king informed the treasurer and barons of the exchequer of his reasons for the expulsion of the Jews ordered at Westminster in July of that year. The king did not mention coin-clipping but focused instead on violations of the usury ban decreed in the Statutes of Jewry and declared that Christian debtors need only pay the principal without interest to the king, to whom outstanding loans from Jews were now owed.⁷¹ This writ was enrolled in the close and memoranda rolls at

acquaintance with the treatise known as *Bracton*, however, are attested by his probable authorship of *Fleta*. Although this is in large part an epitome of *Bracton* it also shows knowledge of recent legislation and other legal material' (Brand, *Origins*, p. 123). On the date of the articles in *Bracton*, see *De legibus et consuetudinibus Angliae*, ii. 328, n. 3.

⁶⁹ *Calendar of Letter-Books*, iii (*Letter-Book C*), pp. xii-xiv, 39-40; Oman, p. 164; N. J. Mayhew and D. R. Walker, 'Crockards and pollards: imitation and the problem of fineness in a silver coinage', in *Edwardian Monetary Affairs*, pp. 125-46; Craig, pp. 54-5; P. Spufford, *Money and Its Use in Medieval Europe* (Cambridge, 1988), p. 205. Bishop Stubbs used the Statute concerning False Money to show that 'the king in council made ordinances', for it is cited in wardrobe accounts as 'ordinatio facta per ipsum regem et consilium suum in parlamento tento apud Stebenheth' (W. Stubbs, *The Constitutional History of England* (3rd edn., 3 vols., Oxford, 1883), ii. 275, n. 6).

⁷⁰ For example, in Brit. Libr., Lansdowne MS. 564 (fos. 87v-88v) and Harley MSS. 79 (fo. 12), 409 (fo. 53), 409 (fo. 53r-v), and 746 (fo. 98v); and Lambeth Palace MS. 556 (fo. 116v).

⁷¹ Richardson, *English Jewry*, p. 229; Gross, app. C, pp. 229-30; *Select Pleas of the Jews*, pp. xl-xli. Edward I's writ of 5 Nov. 1290 (*Cal. Close Rolls 1288-96*, p. 109) was followed by another on 16 Nov.

the time but was also called a statute in at least two early *statuta Angliae* and a contemporary register. One copy called 'Statutum de judeis exiundis regnum Angliae' is found in the same manuscript as the French version of the *Capitula* and the draft statute on moneylending (British Library, Additional MS. 32085 fo. 122). Another copy (British Library, Harley MS. 645 fo. 225) is in the previously mentioned Register Kempe of the abbey of Bury St. Edmunds, which also includes copies of the *Capitula* and another document concerning English Jews.⁷² Under the rubric 'Statuta contra judeos quod nichil recipiant a christianis praeter debitum principale', there is another copy in the *statuta Angliae* portion of a legal miscellany (Harvard Law Library, MS. 1 fo. 173v) having as its principal text Bracton's *De legibus et consuetudinibus Angliae*. The 'Statuta contra judeos' was probably copied into this manuscript for the Worcester cathedral priory at the end of the thirteenth century.⁷³

Why were such statutes and ordinances considered legally relevant after the expulsion of the Jews from England? Disposition of property must have been an important factor. Jewish houses, bonds and other property not confiscated in 1279 escheated to the Crown in 1290. These assets were the subject of an inquest ('valor judaismus') by sheriffs and exchequer officials in 1291, well documented in the Jews' rolls of the Public Record Office's

noting 'the grace granted by the king to Christians indebted to Jews, according to the form thereof delivered to and enjoined upon the treasurer and barons of the Exchequer' (148). Edward I's 1290 edict of expulsion was treated as a statute in older sources such as W. Prynne, *A Short Demurrer to the Jewes Long Discontinued Remitter into England* (1656), pp. 43–9.

⁷² In addition to the *Capitula* (fo. 200) and a 'Littera Edwardi I de Judeis exigendis extra regnum' (fo. 205v), the cartulary of Bury St. Edmunds also includes a 1271 'Littera contra Judeos' from the archbishop of York and bishop of Worcester to the royal justice Richard de Stanes (fo. 229v) concerning the prohibition of feudal tenure by Jews.

⁷³ On the basis of localized texts in the manuscript, J. H. Baker notes in *English Legal Manuscripts in the United States of America: a Descriptive List* (2 vols., 1985–90), i. 14, that Harvard Law Library MS. 1 was 'probably written for a religious house in Worcestershire'. The religious house in question must have been the Benedictine cathedral priory of Worcester, whose ample library was without peer in the county and held many volumes of civil and canon law, as well as a 13th-century codex (Worcester Cathedral MS. 200) containing copies of Glanville and Bracton besides a third lawbook (*Tractatus de legibus . . . tempore magni regis Willielmi*). MS. 200 would appear to have been in the library at the time, unlike a 14th-century *statuta Angliae* (MS. Q. 36) acquired after 1623. For descriptions of the library and specifically MS. 200, see J. K. Floyer and S. G. Hamilton, *Catalogue of Manuscripts . . . in Worcester Cathedral* (Oxford, 1906), pp. 44–5 (F. 87), 126–7 (Q. 36); *Catalogus Librorum Manuscriptorum Bibliothecae Wigorniensis Made in 1622–3 by Patrick Young, Librarian to King James I*, ed. I. Atkins and N. R. Ker (Cambridge, 1944), especially p. 47; *Medieval Libraries of Great Britain: a List of Surviving Books*, ed. N. R. Ker (2nd edn., 1964), pp. 205–15. Bishop Godfrey Giffard (1268–1301) was able to cite statute law authoritatively (*Register of Giffard*, ii. 253, 298) and it was no wonder, for in the Worcester cartulary and register one can find lists similar to the Harvard manuscript's lists of bishops through Bishop Giffard and of Worcestershire knights obliged to perform military service (see *The Cartulary of Worcester Cathedral Priory* (*Register* 1), ed. R. R. Darlington (Pipe Roll Soc., lxxvi; new ser., xxxviii, 1968), pp. 1–3; and *Register of Giffard*, ii. 470). The Worcester cartulary and register also have references to the religious house's lands and privileges in Feckenham forest, a perambulation of which probably dating from 1301 is also included in the Harvard manuscript.

Exchequer Accounts Miscellaneous (E 101/249, E 101/250).⁷⁴ In addition to the information provided by local juries in 1291, inquest records of 1279 would surely have been valuable after the expulsion. In 1290 nine of Edward I's judges appear to have responded to what must have been an appeal by central government for retained records of archival value. These judges included John de Cobham, one of the commissioners of oyer and terminer in 1279, who had also served as a judge in the London trials: in 1290 he surrendered to the exchequer thirty court and eyre rolls in his possession, including one related to trespasses of the king's money and two others to tallages of the Jews.⁷⁵

During the twelve-nineties royal officials were selling off forfeited Jewish property.⁷⁶ There had been frequent recoveries of such property seized by Christians (including foreign merchants) in 1278–9 or entrusted to them by Jews and thereafter concealed. Substantial fines were exacted for the crime of concealment, but not all such cases were resolved by the time of the expulsion.⁷⁷ While not all concealed Jewish property dated back to 1279, cases of concealment re-emerged in the twelve-nineties. Debts owed to the Jews now accrued to the Crown, and it was not until 1327 at a parliament held in Westminster that King Edward III pardoned all those debts still outstanding.⁷⁸ Therefore, the *Capitula* might have seemed more valuable than it actually was in London and other places that once had Jewish communities.

The interests of the patrons who commissioned such *statuta Angliae* must also be considered because the commercial production of manuscript books was a 'bespoke trade'.⁷⁹ For example, one copy of the '*Capitula de tonsura monete*' is found in a *statuta Angliae* manuscript (Princeton University Library, Garrett MS. 146) apparently produced for the Lincolnshire knight Sir

⁷⁴ The 96 Jews' rolls pertaining to the expulsion were formerly found among the memoranda of the Queen's Remembrancer. The rolls include inventories of *archae* and inquisitions of escheated property, principally in the form of accounts. For a description, see *Documents Illustrative of English History in the 13th and 14th Centuries, Selected from the Records of the Department of the Queen's Remembrancer of the Exchequer*, ed. H. Cole (1844), pp. iv–v, x–xi; and *Bibliotheca Anglo-Judaica: a Bibliographical Guide to Anglo-Jewish History*, comp. J. Jacobs and L. Wolf (1888), p. xvi, items 9–23; Hall, *Studies*, p. 305.

⁷⁵ *Select Cases in King's Bench*, i, p. clxi. 'Et vnum rotulum de transgressionibus monete tam Iudeorum quam Christianorum cum duobus aliis rotulis de tallagiis Iudeorum'. On the subject of these rolls, see Rokéah, part 1, pp. 86–7. For a description of archival materials on English Jewry under Henry III and Edward I, retained among the muniments of Westminster abbey, see Hist. MSS. Comm., 4th Rept., app. p. 182.

⁷⁶ *Bibliotheca Anglo-Judaica*, pp. xvi–xvii.

⁷⁷ Rokéah, part 1, pp. 92–3.

⁷⁸ *Statutes of the Realm*, i, 255 (Stat. 2, c. III).

⁷⁹ Before the 15th century, books were individually commissioned by patrons rather than being produced speculatively in multiple copies by stationers and scribes in anticipation of demand (G. Pollard, 'The company of Stationers before 1557', *Library*, 4th ser., xviii (1937), 14–18; A. I. Doyle and M. B. Parkes, 'The production of copies of the *Canterbury Tales* and the *Confessio Amantis* in the early 15th century', in *Medieval Scribes, Manuscripts and Libraries: Essays Presented to N. R. Ker*, ed. M. B. Parkes and A. G. Watson (1978), pp. 199–203.

William Breton (or le Breton), not to be confused with one of Henry III's justices of the Jews whose name has been previously mentioned in another context.⁸⁰ It is not surprising that the *Capitula*, to the extent that it related to the Jews, might have had special resonance in Lincoln and its environs even after 1290, because in the twelfth and thirteenth centuries the city had had a large and prosperous Jewish community despite strained Christian-Jewish relations. Major incidents in Lincoln included the assault on Jews in 1190, which resulted in fines imposed on nearly a hundred men; the infamous 1255 ritual murder case of Little St. Hugh of Lincoln and resulting persecutions; and theft and destruction of the chirographers' chest 'by the king's enemies' during the civil war between King Henry III and Simon de Montfort in 1264. In the years 1278–90 a substantial amount of Jewish property changed hands,⁸¹ and after the expulsion concealed property of condemned Jews could still be found in Lincoln.⁸² Sir William Breton was a knight who had substantial landholdings in the rural wapentakes of the West and South Ridings of Lindsey, respectively north and east of Lincoln. Active from 1285 to 1324, Breton probably had ample reason to be interested in the fate of confiscated Jewish property. In 1275 and 1276, a certain William Breton, most likely Sir William's father, is recorded in the plea rolls of the exchequer of the Jews as having secured loans from various Jews of Lincoln, certainly prior to the April 1275 prohibition against moneylending.⁸³ While there is no evidence that the Breton family was involved in such transactions, Jewish credit agents successfully expanded their business in rural Lincolnshire during the 1275–90 period, numbering some knightly families among their clients, in an effort to avoid the prohibitions of the Statutes of Jewry.⁸⁴

England was virtually devoid of Jews after 1290, save for the few converts who passed through the *Domus Conversorum* in London.⁸⁵ Yet concerns about the Jews may have persisted in the minds of some people who may have had no interest in Jewish property but did have lingering doubts,

⁸⁰ For a study of this manuscript, see Skemer, 'Sir William Breton's Book'.

⁸¹ J. W. F. Hill, *Medieval Lincoln* (Cambridge, 1948), pp. 217–38, 397; *Cal. Plea Rolls Exchequer of Jews*, ii. 300. The 1264 incident was reported in 1275.

⁸² R. R. Mundill, 'The Jewish entries from the patent rolls', *Trans. Jewish Hist. Soc. England*, xxxii (1990–2), 38, 86, no. 211; Roth, p. 75, n. 2.

⁸³ *Cal. Plea Rolls Exchequer of Jews*, ii. 237; *Plea Rolls Exchequer of Jews*, pp. 61–2, no. 375.

⁸⁴ Mundill, 'Anglo-Jewry', especially pp. 13–17. After the expulsion, there were still 252 obligations owed to the Jews of Lincoln, most of them calling for sacks of wool to be paid from the lands of the debtors (Gross, p. 207). In Oxfordshire and adjacent counties, according to another article by Mundill, Jewish credit brokers of agricultural commodities in the 1275–90 period had as clients mostly 'free rural borrowers from manors and villages, with enough security for a loan' (R. R. Mundill, 'Lumbard and Son: the businesses and debtors of two Jewish moneylenders in late 13th-century England', *Jewish Quarterly Rev.*, lxxxviii (1991), 137–70).

⁸⁵ L. Wolf, 'The middle age of Anglo-Jewish history (1290–1656)', *Papers Read at the Anglo-Jewish Historical Exhibition*, pp. 54–9. 'The records of the House of Converts', argued Lucien Wolf, 'together with other testimonies supplied by the State papers and similar documents, show that at no time, from the reign of Edward I to the Protectorate of Cromwell, was the Hebrew race unrepresented in this country' (p. 54).

perhaps influenced by events in Gascony after Jews were expelled from the duchy in 1289, that the expulsion from England would be irrevocable.⁸⁶ Edward I's successor may have seemed less steadfast in his opposition to the Jews. In 1309, for example, King Edward II requested that the duke of Brabant allow 'Master Elias, a Jew dwelling in his land, to come to England to speak with the king concerning his affairs'; and a delegation of six Jews actually journeyed to London a year later to petition the king for readmission to England.⁸⁷ The Capitula's legal viability after the expulsion is paralleled by contemporary references to English Jewry in court records, land conveyances proscribing transfers to Jews, town charters banning the Jews, and other sources.⁸⁸ As Jonathan A. Bush has argued, legal references to the Jews waned in the fourteenth century, as the memory of their former presence in England grew distant, not to reappear again until the early modern era.⁸⁹

In addition to its value as a rediscovered text illuminating royal policy toward the Jews and coin-clipping in 1278–9, the 'Capitula de tonsura monete' can help provide a better understanding of the private dissemination of the common law and texts that became part of the legal legacy of the 'English Justinian'. Just as Magna Carta was reinterpreted in light of new political realities and became magnified in reputation on its centuries-long path toward mythic status in Anglo-American law, writs and ordinances favourably received by an emerging community of lawyers and other legally literate people could be circulated along with authentic statutes and occasionally even called statutes. Two of the *statuta Angliae* scribes who copied the Capitula actually referred to it as a statute.⁹⁰ Compilers of *statuta Angliae* manuscripts paired the Capitula with texts of similar subject matter or character such as the Statute of Money (1284), texts pertaining to weights

⁸⁶ Richardson, *English Jewry*, pp. 232–3.

⁸⁷ H. P. Stokes, 'Extracts from the close rolls, 1289–1368', *Miscellanies of the Jewish Historical Society of England, Part I* (1925), pp. vi, xvi; *Chronica Johannis de Oxenedes*, p. xiv.

⁸⁸ For example, in 1305, the year books of Edward I record a coinage case over a manor and appurtenances, claims to which go back to a substantial debt and annuity once owed by William de la Souche to Simon the Jew (*Year Books of Edward I, Years 20 and 21*, iv, 354–7).

⁸⁹ Bush, pp. 125–85. While the focus of this excellent article is the role of the Jews in Charles Molloy's treatise *De jure maritimo et navali* (3rd edn., 1682), Jonathan A. Bush has very capably surveyed post-Expulsion legal references to English Jewry (pp. 123–40).

⁹⁰ In Brit. Libr., Harley MS. 1807, the scribe who copied the 'Capitula de tonsura monete' in the early 14th century did so under the rubric 'De tonsura monete'. Soon realizing that he had copied the latter part of the Capitula before the first part, the scribe attempted to clarify the correct order of the text by the use of marginal notes in which he refers to the text as a statute: 'primum pars istiusque statuti secundo folio sequendo ad talem signum *' (fo. 207) and 'sequere finem istius statuti folio presenti ad talem signum *' (fo. 208v). Also the Capitula appears under the rubric 'Statutum de tonsura monete' in Dorset County Record Office, Dorchester, MS. 2644 (B3/G1). This rubric is in the same hand as the text. In addition, the Capitula copy in Harleian MS. 1690 (fo. 39r–v) has a later heading 'Sta' xxviii', and while the index of *Catalogue of Harleian Manuscripts* iv, 249, lists Harley MS. 3652 (fos. 18–19) as including a copy of the Capitula under the rubric 'Statuta de religiosis de ponendo in assisam & piratis, de moneta, & de conspiratoribus', the actual text is the Statute of Money (1284).

and measures ('Assisa de ponderibus et mensuris'), articles of the eyre and the Statutes of Jewry. The Capitula found its way into Edwardian legal apocrypha largely because church prelates, landowners, legal professionals and book producers rightly or wrongly viewed the old royal ordinance as relevant to such current problems as mint privileges, monetary debasement, the sale of confiscated Jewish houses and goods, recovery of concealed property and unpaid debts to the Jews.

'Private collections of statutes . . . sometimes contained writs and ordinances and even passages from Glanvil, masquerading as statutes', Professor J. H. Baker has observed, and therefore 'by professional usage some of these spurious texts became "statutes" for practical purposes, although properly regarded as evidence of the common law rather than of legislation'.⁹¹ However, this interest in the Capitula by the legally literate was ultimately a passing phenomenon. Most copies of the Capitula are in *statuta Angliae* manuscripts dating from the twelve-nineties, when it was also interpolated into *Fleta* in order to update Bracton's version of the articles of the eyre. There are later copies of the Capitula dating from 1326 (Bridport Corporation MS. 2644) and the fifteenth century (Manchester, John Rylands University Library, Latin MS. 252). However there are no references to it either in contemporary year books, among the many ordinances of money and exchange listed in the Corporation of London's 'Liber custumarum' around 1320, or in the 'Liber Albus' a century later.⁹² While Edwardian lawbook producers and readers were relatively unconcerned about the textual accuracy of the contents of *statuta Angliae* or their proper legal context, it must be remembered, as Miss Susan Reynolds has argued, 'What mattered to most copiers of statutes and of Magna Carta was the law as it stood—or as they thought it stood—not how or when it had got there'.⁹³

The role of the legally literate in creating and disseminating such apocrypha should perhaps not seem unusual when one considers that Edward I allowed his subjects to suggest matters for legislation and legal remedy.⁹⁴ During the fourteenth century, however, the term 'statute' comes to be more strictly defined. From the reign of Edward III, the official enrolment of statutes by regnal year was increasingly accepted as the source of authority for the inclusion of statutes in 'nova statuta' and a better organizing principle than the bookish subject organization that had prevailed in the early *statuta Angliae*, leaving little room for the legal apocrypha that

⁹¹ J. H. Baker, *An Introduction to English Legal History* (2nd edn., 1979), p. 179.

⁹² *Munimenta Gildhallae Londoniensis: Liber Albus, Liber Custumarum et Liber Horn*, ed. H. T. Riley (3 vols. in 4, Rolls Ser., 1849–62), i. 573–5 ('Ordinationes de moneta, escambio et monetariis'); ii. 562–68; iii. 266–7.

⁹³ Reynolds, p. 241. 'Study of early statute collections could help us understand more about the use of writing and the slow and patchy inculcation of new habits of verbal exactitude' (p. 243).

⁹⁴ H. M. Cam, 'The legislators of medieval England', repr. from *Proc. British Academy*, xxxi (1945), 127–50, in *Historical Studies of the English Parliament*, ed. E. B. Fryde and E. Miller (2 vols., Cambridge, 1970), ii. 180: 'Without any intention of calling the nation into partnership with him, it is clear that Edward was to some extent permitting his subjects to suggest, if not dictate, matter for legislation'.

were so prevalent during the reign of Edward I.⁹⁵ The favourable reception accorded to the 'Capitula de tonsura monete', though localized and only temporary, reminds us that for English common law, as D. F. McKenzie observed about the realm of books, 'New readers make new texts and their new meanings are a function of their new forms'.⁹⁶

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APPENDIX I

Capitula de tonsura monete

The following edition of the 'Capitula de tonsura monete' is based on a collation of eleven Latin copies listed and briefly described in this article (note 5). These copies fall textually into two relatively distinct groups: (1) British Library, Harley MSS. 645 and 1807; *ibid.*, Cotton MS. Cleopatra C.vii; and Bridport Corporation MS. 2644; and (2) Princeton University Library, Garrett MS. 146; Lambeth Palace MS. 166; Brit. Libr., Harley MSS. 1120 and 1690; Cambridge University Library MS. Ll.4.17; Trinity College Library, Cambridge, MS. 1192; and the John Rylands University Library, Manchester, Latin MS. 252. These have been collated with the version in *Fleta* (book 1, chapter 20), including a fourteenth-century manuscript copy (Brit. Libr., Cotton MS. Julius B.viii) and the standard edition by H. G. Richardson and G. O. Sayles (Selden Soc., lxxii, lxxxix, xcix, 1955–84), ii. 55. The original Latin text of the Capitula has also been compared with a contemporary French translation (Brit. Libr., Additional MS. 32085) and with the 5 January 1279 writs establishing the commissions of oyer and terminer. Both the *Fleta* and French versions seem to have derived from Latin copies related textually to group 1. Textual variants have been noted, but not minor scribal errors such as word inversions, repetitions and omissions not altering the meaning of the text. Abbreviations, contractions and suspensions have been silently expanded consistent with established usage. Orthography, capitalization and punctuation follow the original, but the use of the letters *i* and *j* and of *u* and *v* has been modernized. Arabic numbers for the articles of inquest have been added in square brackets.

Incipiunt capitula de tonsura monete.⁹⁷

[1] ¶ De tonsura monete tam de iudeis quam christianis.⁹⁸

⁹⁵ Skemer, 'From archives to the book trade', p. 199.

⁹⁶ D. F. McKenzie, *Bibliography and the Sociology of Texts* (1986), p. 20. See also Roger Chartier's discussion of communities of readers, in his *The Order of Books: Readers, Authors and Libraries in Europe between the 14th and 18th Centuries*, trans. L. G. Cochrane (Cambridge, 1994), pp. 1–23.

⁹⁷ While the original formulaic wording of sealed articles of inquest was almost entirely eliminated by the scribes copying the Capitula, Bridport Corporation MS. 2644 may preserve some of the original formulaic opening, beginning 'Incipit statut' de tonsura monete. De tonsura monete tam de iudeis quam de cristianis est inquirendum primo de his qui tradiderunt denarios suos retonsoribus . . .' (Ker, *Medieval Manuscripts*, ii. 170). Brit. Libr., Harley MS. 645 begins 'Capitula de inquisicionibus faciendis tonsuram monete contingentibus'. *Fleta* substitutes the rubric 'De retonsoribus monete', while the French translation in *ibid.*, Add. MS. 32085 has the incipit 'Ici commencent les chapitres de enquestes fez toundure de mone tuchaunz'.

⁹⁸ *Fleta* omits article no. 1.

- [2] ¶ De hiis qui tradiderunt denarios suos retonsoribus pro habendo lucro tonsure.⁹⁹
- [3] ¶ De vicecomitibus constabulariis et aliis ballivis regis vel alterius qui sub se habuerint in custodia sua infra ballivas suas judeos quoscumque et qui consenserint eisdem et gratis permiserint facere retonsuras pro certa mercede per certam conventionem factam capienda.
- [4] ¶ De vicecomitibus constabulariis qui retonsure ceperint vel attachiaverint cum retonsuras cruda vel in platis seisis et qui pro mercede eos deliberaverint et attachiamentum illud conclaverint.
- [5] ¶ De hiis qui emerint per se ipsos vel per alios retonsuram quandam vel platas cuiuscumque retonsure scienter.¹⁰⁰
- [6] ¶ De hiis qui cambiaverint bonam monetam¹⁰¹ scienter cum retonsuras pro maiori numero habendo de moneta retonsa et qui hoc fecerunt frequenter quasi mercatores de die in diem.
- [7] ¶ Item de aliis hiis cambiatoribus qui aliquando et raro hoc fecerint.¹⁰²
- [8] ¶ De hiis qui emerint platas tonsure non affinitas et non scienter de retonsoribus.¹⁰³
- [9] ¶ De hiis qui aliis tradiderunt denarios suos cambiatoribus predictis qui frequenter cambiaverint ut supra pro habendo partem lucri inde provenientis.¹⁰⁴
- [10] ¶ De fundatoribus qui retonsuras vel platas huiusmodi affinauerint.¹⁰⁵
- [11] ¶ De vicecomitibus constabulariis et ballivis quibuscumque qui mercedem ceperint per sic quod parcerent et fingerent attachiare suspectos vel eos attachiaverint sive christianos sive judeos pro levi suspicione quos non invenerint seisis cum retonsuras et ipsos pro mercede deliberaverint.
- [12] ¶ De iusticiariis et inquisitoribus habentibus potestatem per breviam¹⁰⁶ regis ad inquirendum de huiusmodi retonsoribus et pro mercede dissimulaverint facere officium suum et quid et quantum ceperint et a quibus.
- [13] ¶ De hiis qui ingressi fuerunt domos et mansiones judeorum¹⁰⁷ captorum et in prisma detentorum postquam fuerunt scrutate et capte in manum regis et thesaurum

⁹⁹ As transcribed here, the first article in Cambridge Univ. Libr., MS. LL.4.17 and Bridport Corporation MS. 2644 relates both to Jews and Christians, in conformity with the rest of the text; with the 5 Jan. 1279 commission of oyer and terminer, which concerns 'de retonsoribus monete nostre tam judeis quam christianis' (P.R.O., C 66/98, m. 26d); and with the first article in the French version (Brit. Libr., Add. MS. 32085 fo. 116): 'De tundurs de monnee ausi bien de gius cum de cristiens'. Princeton Univ. Libr., Garrett MS. 146 omits the initial reference to Christians, instead beginning 'De tonsura monete tam de judeis quanto de hiis qui tradiderunt denarios suos retonsoribus pro habendo lucro tonsure'.

¹⁰⁰ In *Fleta* the words 'cuiuscumque retonsure scienter' are rendered 'scientes ipsas esse retonsure'.

¹⁰¹ 'legalem monetam' in the 5 Jan. 1279 commission (P.R.O., C 66/98, m. 26d).

¹⁰² This reading is from group 1. Brit. Libr., Cotton MS. Cleopatra C.vii, however, gives a similar but expanded reading of this article: 'Item de aliis huiusmodi mercatoribus escambiatoribus qui aliquando et raro hoc fecerunt'. Copies in group 2 render 'et raro' as 'trahere'.

¹⁰³ This reading is given in Brit. Libr., Cotton MS. Cleopatra C.vii and Harley MS. 645. The words 'et non scienter de retonsoribus' are rendered 'licet non de retonsoribus' in *Fleta*; 'et non tonsoribus' in Bridport Corporation MS. 2644; 'ne nient ascient de tondure' in Brit. Libr., Add. MS. 32085; and 'et scienter de retonsoribus' in group 2.

¹⁰⁴ This reading is given with very minor variations by copies in group 1. The words 'predictis qui frequenter cambiaverunt' are omitted from copies in group 2.

¹⁰⁵ Brit. Libr., Harley MS. 1807 transposes article nos. 10 and 11.

¹⁰⁶ Cambridge Univ. Libr., MS LL.4.17 here adds the word 'domini'.

¹⁰⁷ Lambeth Palace MS. 166 here adds the word 'occisorum', which also occurs in the

cum aliis bonis et catallis in eisdem dimissis asportaverunt furtive et quid et quantum.¹⁰⁸

[14] ¶ De christianis qui habuerint in custodia sua in octabis sancti martini proximo preteriti¹⁰⁹ archas jocalia argentum scripta¹¹⁰ et alias res quascumque ex tradizione¹¹¹ judeorum et quorum et quid et quantum et ad quas manus devenerint et maxime qui ea conclaverint.¹¹²

[15] ¶ De fugitivis qui occasione tonsure et transgressionum praedictarum subtraxerint se ubi devenerunt et de catallis eorum et de terris et tenementis eorum si que habuerint.

[16] ¶ De hiis qui viderunt¹¹³ et manifeste perceperint¹¹⁴ qui fuerint retonsores et ipsos non accusaverint regi vel aliis ballivis suis cum quilibet de populo ad hoc tenerentur licet expresse non consentirent.

[17] ¶ De hiis qui secretum¹¹⁵ per summonicionem sibi injunctam super hiis qui premissa contingunt ante capcionem judeorum revelabant¹¹⁶ et quid et cui et quomodo.¹¹⁷ Explicunt capitula de tonsura monete.¹¹⁸

interrogatory 'De catallis judeorum occisorum' in the version of the articles of the eyre followed by Bracton (*Statutes of the Realm*, i. 233, n. 9).

¹⁰⁸ *Fleta* omits article no. 13. This article is similar to the wording of the 5 Jan. 1279 commission (P.R.O., C 66/98, m. 26d): '... ingressi fuerunt domos et mansiones judeorum nuper captorum et in prisona nostra detentorum pro retonsores monete postquam fuerunt scrutate firmiter et capte in manum nostrum. Et de hiis quos thesaurum et alia bona et catalla in eisdem inventa et dimissa furtive asportaverunt...' The word 'catallis' is translated as 'chateaus', and 'furtive' as 'per roberie' in Brit. Libr., Add. MS. 32085.

¹⁰⁹ Princeton Univ. Libr., Garrett MS. 146 has a variant reading 'in octave sancti michelis proximo preteriti'; that is, the previous past octave of Michaelmas, which would have been 6 Oct. 1278, eight days after Michaelmas (29 Sept.), the date marking the close of the fiscal year both for the exchequer and for the exchequer of the Jews. The octave of St. Martin indicated in all other manuscript copies corresponds to 18 Nov. (the eighth day after 11 Nov., St. Martin's day), near the end of the court term that began on the octave of Michaelmas. On 18 Nov. 1278, as already discussed, approximately 600 Jews were imprisoned on charges of coin-clipping. For a brief discussion of the Exchequer year, see H. G. Richardson, 'The exchequer year', *Trans. Royal Hist. Soc.*, 4th ser., viii (1925), 171-90; Galbraith, *Introduction*, pp. 40-1; C. R. Cheney, *Handbook of Dates for Students of English History* (1970), pp. 66-7.

¹¹⁰ 'scripta' omitted from John Rylands Univ. Libr., Latin MS. 252.

¹¹¹ 'condicione' in Cambridge Univ. Libr., MS. LL.4.17.

¹¹² *Fleta* omits article no. 14.

¹¹³ 'venderunt' in Brit. Libr., Harley MS. 1807.

¹¹⁴ 'ceperint' in Lambeth Palace MS. 166; Brit. Libr., Harley MS 1690; Trinity College Libr., MS. 1192; and John Rylands Univ. Libr., Latin MS. 252.

¹¹⁵ 'secreti' in Lambeth Palace MS. 166.

¹¹⁶ 'revelabant' omitted from copies in group 2.

¹¹⁷ *Fleta* omits article no. 17, substituting the words 'Hoc quidem augmentum recipiunt et diminucionem'.

¹¹⁸ The explicit is omitted in Bridport Corporation MS. 2644; and in Brit. Libr., Cotton MS. Cleopatra C.vii.